



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Philip E. Thorpe and Sophia Ran

Serial No.: 09/351,149

Filed: July 12, 1999

For: CANCER TREATMENT KITS
COMPRISING THERAPEUTIC
CONJUGATES THAT BIND TO
AMINOPHOSPHOLIPIDS

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: 4001.002383

DECLARATION CLAIMING SMALL ENTITY STATUS
37 C.F.R. §§ 1.9(f) and 1.27(d) - NONPROFIT ORGANIZATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization: Board of Regents, The University of Texas System

Address of Organization: 201 West 7th Street
Austin, Texas 78701

The type of organization is a university.

I hereby declare that the organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. § 1.9(e) (1), and thus is a "small entity" as defined in § 1.9(f), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, with regard to the above-referenced application.

I hereby declare that exclusive rights to the invention have been conveyed to and remain with the organization, with respect to the above-referenced invention, nor have I assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an

independent inventor under 37 CFR § 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR. § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e), with the exception that the Government may have rights in the invention pursuant to a funding agreement under 35 U.S.C. § 202(c)(4): National Institutes of Health Grant Nos. 1RO1CA74951-01 and 5RO1CA54168-05.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

BOARD OF REGENTS, THE
UNIVERSITY OF TEXAS SYSTEM

By: 

Name: Ray Farabee

Title: Vice Chancellor and
General Counsel

Date: September 9, 1999



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**ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73
AND POWER OF ATTORNEY**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

The Assignee hereby revokes any previous Powers of Attorney and appoints:

Danny L. Williams, Reg. No. 31,892; Terry D. Morgan, Reg. No. 31,181; J. Mike Amerson, Reg. No. 35,426; Kenneth D. Goodman, Reg. No. 30,460; Barbara S. Kitchell, Reg. No. 33,928; Jeffrey A. Pyle, Reg. No. 34,904; Randall C. Furlong, Reg. No. 35,144; Scott F. Diring, Reg. No. 35,119; Jeffrey E. Hundley, Reg. No. 42,676; George J. Oehling, Reg. No. 40,471; Shelley P.M. Fussey, Reg. No. 39,458; David W. Hibler, Reg. No. 41,071; and Mark D. Moore, Reg. No. 42,903,

each an attorney or agent of the firm of WILLIAMS, MORGAN & AMERSON, P.C., as its attorney or agent for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any

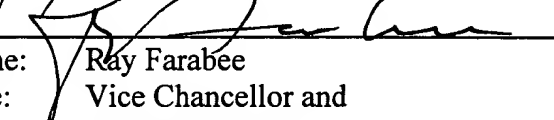
Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to Board of Regents, The University of Texas System, referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

Shelley P.M. Fussey
WILLIAMS, MORGAN & AMERSON, P.C.
7676 Hillmont, Suite 250
Houston, Texas 77040
(713) 934-7000

ASSIGNEE:
BOARD OF REGENTS, THE
UNIVERSITY OF TEXAS SYSTEM


By: 
Name: Ray Farabee
Title: Vice Chancellor and
General Counsel

Date: September 9, 1999

ASSIGNMENT:

☒ Concurrently filed
☐ Previously recorded
Date: _____
Reel: _____
Frames: _____

Sector
#3

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below:	
September 21, 1999 Date	 Shelley P.M. Fussey



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Philip E. Thorpe and Sophia Ran

Group Art Unit: 1623

Serial No.: 09/351,149

Examiner: Unknown

Filed: July 12, 1999

Atty. Dkt. No.: 4001.002383

For: CANCER TREATMENT KITS
COMPRISING THERAPEUTIC
CONJUGATES THAT BIND TO
AMINOPHOSPHOLIPIDS

RESPONSE TO 37 C.F.R. § 1.53(F) NOTICE

BOX MISSING PART

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Application Under 37 C.F.R. § 1.53(f), dated August 26, 1999, there are enclosed herewith:

- (a) Declaration executed on behalf of Philip E. Thorpe and Sophia Ran;
- (b) A Power of Attorney on behalf of Board of Regents, The University of Texas System;
- (c) A Declaration Claiming Small Entity Status executed on behalf of Board of Regents, The University of Texas System;

- (d) An Information Disclosure Statement, and PTO Form 1449 listing References A1-A10, B1-B9 and C1-C37, with copies of References A1-A10, B1-B9 and C1-C33;
- (f) Our check in the amount of \$730.00 to cover the basic filing fee (\$380 - basic small entity) ; surcharge for late filing (\$65.00); additional claims fee (\$285.00); and
- (g) A copy of Notice to File Missing Parts of Application-Filing Date Granted.

An Assignment to Board of Regents, The University of Texas System and a check for \$40.00 are being filed under separate cover.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Assistant Commissioner is authorized to deduct or credit said fees from or to Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/4001.002383.

Please date stamp and return the accompanying postcard to evidence receipt of these documents.

Respectfully submitted,



Shelley P.M. Fussey
Reg. No. 39,458

Agent for Applicants

WILLIAMS, MORGAN & AMERSON
7676 Hillmont, Suite 250
Houston, Texas 77040
(713) 934-7000

Date: September 21, 1999



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

3

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/351,149 07/12/99 THORPE P 4001.002383

0242/0826

SHELLEY P. M. FUSSEY
WILLIAMS MORGAN & AMERSON PC
7676 HILLMONT
SUITE 250
HOUSTON TX 77040

NOT ASSIGNED

1623

DATE MAILED:

08/26/99

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the **SURCHARGE** set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☐ non-small entity is \$ 1460.

☒ 1. The statutory basic filing fee is:

- ☒ missing.
☐ insufficient.

Applicant must submit \$ 760. to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☒ 2. The following additional claims fees are due:

\$ 414. for 23 total claims over 20.
\$ 156. for 2 independent claims over 3.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unsigned.
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.52(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

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